HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18323 OF 2006

DATED: 11.9.2006

Between:

I. Venkat Rao and others

… Petitioners

and

The Joint Collector, Ranga Reddy District and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18323 OF 2006

ORAL ORDER:

The writ petition is misconceived.

The relief sought herein is for a declaration that the appeals filed by the 3rd respondent before the 2nd respondent in Appeal Nos.1630 to 1635 of 2003 are not maintainable. As framed, a writ of Prohibition is sought.

The 3rd respondent preferred appeals before the 2nd respondent under Section 5 (5) of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'), aggrieved by the proceedings of the Mandal Revenue Officer dated 28.4.2003 recording mutation in favour of the writ petitioners of certain lands in Rajendranagar Mandal, Ranga Reddy District. According to the petitioners, the 3rd respondent preferred the appeals asserting that he had filed a suit O.S.No.259 of 1994, on the file of the II Additional Senior Civil Judge, Ranga Reddy District against the respondents 4 to 7, claiming declaration of title and perpetual injunction against the said respondents in respect of the same lands and during the pendency of such a suit, no mutation could have been recorded in favour of the petitioners who claim to be

alienees of the respondents 4 to 7 herein. The petitioners contend that O.S.No.259 of 1994 was dismissed on merits by the learned II Additional Senior Civil Judge, Ranga Reddy District by the decree and judgment dated 5.4.2004. Aggrieved thereagainst, the 3rd respondent preferred an appeal to this court in A.S.No.2323 of 2004. On these pleadings, it is asserted that Appeal Nos.1630 to 1635 of 2003 are not maintainable before the 2nd respondent.

The assertion and the contention are stated to be rejected. Merely because of the 3rd respondent's suit O.S.No.259 of 1994 has been dismissed by the civil court and an appeal against the same is pending before this court, would not eclipse the jurisdiction of the 2nd respondent to consider the appeal preferred by the 3rd respondent against the order of the MRO granting mutation in favour of the petitioners. The MRO as well as the 2nd respondent-the appellate quasi-judicial authority under the Act, will have to exercise their statutory jurisdiction but in conformity with any decree and judgment of a civil court declaring title to the land. The jurisdiction of the statutory authorities under the Act is however intact and is not eclipsed to determine disputes regarding the validity of mutation proceedings. The trajectory of the jurisdiction of the civil court and that of the quasi-judicial authority under the Act, are distinct though complementary.

In the considered view of this court, the appeals preferred by the 3rd respondent to the 2nd respondent are not vitiated on account of patent lack of competence and jurisdiction by the 2nd respondent. There are no merits.

The writ petition is dismissed. No costs.

GODA RAGHURAM, J

Date: 11.9.2006
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